

1 Kathleen Sullivan (SBN 242261)  
kathleensullivan@quinnmanuel.com  
2 QUINN EMANUEL URQUHART &  
SULLIVAN LLP  
3 51 Madison Avenue, 22<sup>nd</sup> Floor  
New York, NY 10010  
4 Telephone: (212) 849-7000  
Facsimile: (212) 849-7100  
5  
6 Sean S. Pak (SBN 219032)  
seanpak@quinnmanuel.com  
John M. Neukom (SBN 275887)  
7 johnneukom@quinnmanuel.com.  
QUINN EMANUEL URQUHART &  
SULLIVAN LLP  
8 50 California Street, 22<sup>nd</sup> Floor  
San Francisco, CA 94111  
9 Telephone: (415) 875-6600  
Facsimile: (415) 875-6700  
10  
11 Mark Tung (SBN 245782)  
marktung@quinnmanuel.com  
12 QUINN EMANUEL URQUHART &  
SULLIVAN LLP  
13 555 Twin Dolphin Drive, 5<sup>th</sup> Floor  
Redwood Shores, CA 94065  
14 Telephone: (650) 801-5000  
Facsimile: (650) 801-5100  
15  
16 *Attorneys for Plaintiff Cisco Systems, Inc.*

Steven Cherny (*admitted pro hac vice*)  
steven.cherny@kirkland.com  
KIRKLAND & ELLIS LLP  
601 Lexington Avenue  
New York, New York 10022  
Telephone: (212) 446-4800  
Facsimile: (212) 446-4900

Adam R. Alper (SBN 196834)  
adam.alper@kirkland.com  
KIRKLAND & ELLIS LLP  
555 California Street  
San Francisco, California 94104  
Telephone: (415) 439-1400  
Facsimile: (415) 439-1500

Michael W. De Vries (SBN 211001)  
michael.devries@kirkland.com  
KIRKLAND & ELLIS LLP  
333 South Hope Street  
Los Angeles, California 90071  
Telephone: (213) 680-8400  
Facsimile: (213) 680-8500

17  
18  
19  
20  
21 CISCO SYSTEMS, INC.,  
22 Plaintiff,  
23 vs.  
24 ARISTA NETWORKS, INC.,  
25 Defendant.

CASE NO. 5:14-cv-5344-BLF

**CISCO'S ADMINISTRATIVE MOTION  
TO FILE UNDER SEAL CONFIDENTIAL  
INFORMATION IN OPPOSITION TO  
ARISTA'S MOTION TO AMEND  
SCHEDULING ORDER OR,  
ALTERNATIVELY, TO STAY PATENT  
CLAIMS PENDING *INTER PARTES*  
REVIEW**

26  
27  
28  
**DEMAND FOR JURY TRIAL**

Pursuant to Civil L.R. 79-5, Plaintiff Cisco Systems, Inc. (“Cisco”) respectfully requests an order granting leave to file under seal the portions of the documents listed below:

| <b>Document</b>   | <b>Portions to Be Filed Under Seal</b>                                   |
|---|--|
| Cisco’s Opposition to Arista’s Motion to Amend Scheduling Order or, Alternatively, to Stay Patent Claims Pending <i>Inter Partes</i> Review   | As highlighted in the version filed herewith, portions of pages: 5 and 6 |
| Exhibit 6 to the Declaration of Mark Tung in Support of Cisco’s Opposition to Arista’s Motion to Amend Scheduling Order or, Alternatively, to Stay Patent Claims Pending <i>Inter Partes</i> Review | Entire.  |
| Exhibit 8 to the Declaration of Mark Tung in Support of Cisco’s Opposition to Arista’s Motion to Amend Scheduling Order or, Alternatively, to Stay Patent Claims Pending <i>Inter Partes</i> Review | Entire.  |

#### I. LEGAL STANDARD

In the context of non-dispositive motions, materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law”( *i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

## **II. ARISTA'S DESIGNATED CONFIDENTIAL INFORMATION**

Cisco makes this request to seal the documents identified herein for the reasons explained in detail in the Declaration of Mark Tung in support of this Administrative Motion to File Under Seal (“Tung Declaration”). The information sought to be sealed has been directly designated by Defendant Arista Networks, Inc. (“Arista”) as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the Protective Order (Dkt. 53). Cisco has narrowly tailored its request to seal only the information so designated by Arista as articulated as the basis for this request in the Tung Declaration.

Cisco expects that Arista will file the required supporting declaration in accordance with Civil Local Rule 79-5(e), as necessary, to confirm that the information contained in the above referenced documents should be sealed.

### III. CONCLUSION

Concurrently with this Motion, Cisco is filing redacted and highlighted versions of the above-referenced documents indicating the specific portions Cisco seeks to seal.

DATED: November 18, 2015

Respectfully submitted,

/s/ John M. Neukom

Kathleen Sullivan (SBN 242261)  
kathleensullivan@quinnmanuel.com  
QUINN EMANUEL URQUHART &  
SULLIVAN LLP  
51 Madison Avenue, 22<sup>nd</sup> Floor  
New York, NY 10010  
Telephone: (212) 849-7000  
Facsimile: (212) 849-7100

Sean S. Pak (SBN 219032)  
seanpak@quinnmanuel.com  
John M. Neukom (SBN 275887)  
johnneukom@quinnmanuel.com.  
Matthew D. Cannon (SBN 252666)  
matthewcannon@quinnmanuel.com  
QUINN EMANUEL URQUHART &  
SULLIVAN LLP  
50 California Street, 22<sup>nd</sup> Floor  
San Francisco, CA 94111  
Telephone: (415) 875-6600

1 Facsimile: (415) 875-6700

2 Mark Tung (SBN 245782)  
3 marktung@quinnmanuel.com  
4 QUINN EMANUEL URQUHART &  
5 SULLIVAN LLP  
6 555 Twin Dolphin Drive, 5<sup>th</sup> Floor  
Redwood Shores, CA 94065  
Telephone: (650) 801-5000  
Facsimile: (650) 801-5100

7 Steven Cherny (*admission pro hac vice*  
*pending*)  
8 steven.cherny@kirkland.com  
9 KIRKLAND & ELLIS LLP  
10 601 Lexington Avenue  
New York, New York 10022  
Telephone: (212) 446-4800  
Facsimile: (212) 446-4900

11 Adam R. Alper (SBN 196834)  
12 adam.alper@kirkland.com  
13 KIRKLAND & ELLIS LLP  
14 555 California Street  
San Francisco, California 94104  
Telephone: (415) 439-1400  
Facsimile: (415) 439-1500

15 Michael W. De Vries (SBN 211001)  
16 michael.devries@kirkland.com  
17 KIRKLAND & ELLIS LLP  
18 333 South Hope Street  
Los Angeles, California 90071  
Telephone: (213) 680-8400  
Facsimile: (213) 680-8500

19 *Attorneys for Plaintiff Cisco Systems, Inc.*